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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,731	07/28/2003	Kunihiro Akiyoshi	240554US2	3795
22850	7590	03/05/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 03/05/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/627,731	AKIYOSHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Yixing Qin	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/28/03  
11/14/03 12/24/03 6/14/04 6/24/04 10/25/04 2/3/05 11/21/05 1/17/06 11/13/06 12/12/06.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention in claims 19-23 are directed to non-statutory subject matter. Claims 19-23 are rejected under 35 U.S.C. 101 because they are directed towards an abstract idea. Under the current 101 guidelines (specifically, page 30 "Annex I"), there are three 101 judicial exceptions – law of nature, natural phenomenon, and abstract idea. A program is simply a set of instructions and does not produce a physical transformation or a tangible result. The suggested correction is to amend the claims to "A computer-readable medium encoding a program containing instructions for:" or to similarly amend them to have the preamble similar to claim 25.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 10, 11, 19, 20, 25 rejected under 35 U.S.C. 102(e) as being anticipated by Okubo (U.S. PG Pub. No. 2003/0058471).

Regarding claims 1, 10, 19, 25, Okubo discloses an image forming apparatus including an application for performing processes on image forming, and a system service for performing processes of a system side of the image forming apparatus on the basis of a request by using an API from the application, the image forming apparatus comprising:

an obtaining part for obtaining version information of APIs used by the application for the system service (P[0082, 0085]), and version information of APIs of the system service (P[0086] shows that the downloader of the image processing apparatus queries the server for the versions of the programs);

a comparing part for comparing, API by API, versions of the APIs used by the application with versions of the APIs of the system service. (P[0086], Fig. 4 – steps S3-S8 discloses that programs are determined if they are newer and downloaded for updating)

Regarding claims 2, 11, 20, Okubo discloses the image forming apparatus as claimed in claim 1, the image forming apparatus further comprising a part for comparing a version of a set of the APIs used by the application with a version of a set of APIs of the system service, wherein the image forming apparatus performs comparison by the comparing part only when the versions of the sets of the APIs are different. (P[0024] – the enhancing mechanism checks software sets for which functions are available to a MFP and to update or download new versions of programs)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9, 12-18, 21-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Okubo (U.S. PG Pub. No. 2003/0058471).

Regarding claims 3, 12, 21, Okubo discloses version control for an MFP. It does not explicitly disclose “wherein an executive program of the application includes the version information of the APIs used by the application, and the obtaining part obtains the version information of the APIs used by the application from the application.”

However, Okubo discloses in P[0082, 0085] that version information is stored in the property manager 37 in association with their names. Although this is not explicitly disclosed as an executable, it provides the system information regarding the versions of the programs contained in the image processing apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used an alternate representation of version information.

The motivation would have been to allow organization of information of programs in an image processing apparatus.

Therefore, it would have been obvious to alter Okubo's invention to obtain the invention as specified.

Regarding claims 4, 13, Okubo discloses the image forming apparatus as claimed in claim 3, wherein the image forming apparatus tentatively launches the application for obtaining the version information from the application. (Okubo discloses obtaining information from the program property manager. However, software executables are known to have version information associated with them, so this would simply be using another known technique to obtain information that is represented in another way in the Okubo reference.)

Regarding claims 5, 14, Okubo discloses the image forming apparatus as claimed in claim 3, wherein the system service includes a plurality of system service modules, the application includes version information of APIs used by the application for

each of the system service modules, when the obtaining part obtains version information of APIs corresponding to a system service module from the application, the obtaining part obtains version information of APIs of the system service module from the system service module. (P[0080] discloses obtaining version information of programs from the server 7 for the various programs, which read upon the service modules).

Regarding claims 6, 15, 22, Okubo discloses the image forming apparatus as claimed in claim 1, the image forming apparatus comprising a file storing the version information of the APIs used by the application, wherein the obtaining part obtains the version information of the APIs used by the application from the file. (P[0082, 0085] that version information is stored in the property manager 37 in association with their names.)

Regarding claims 7, 16, 23, Okubo discloses the image forming apparatus as claimed in claim 1, wherein, when the comparing part compares the versions before the application is installed, the image forming apparatus displays on an operation panel information indicating that the application can be installed if all versions of the APIs used by the application are the same as versions of corresponding APIs of the system service. (P[0087] and Fig. 4, s6 - > "NO", shows that programs that are up to date do not need to be updated. While it does not show this on a control panel, the display of information is well known. As disclosed in P[0111], there is display for a different kind of message, so potentially other messages can also be displayed, such as showing a user

that a program is not to be updated)

Regarding claims 8, 17, Okubo discloses the image forming apparatus as claimed in claim 1 the image forming apparatus comprising:  
control services for controlling hardware resources of the image forming apparatus, (abstract – enhancement control mechanism) and  
a virtual application service that operates as a client process for at least a control service, and operates as a server process for the application, (Fig. 1, item 18, function enhance unit)  
wherein the system service includes at least a control service that receives a request by using an API from the application, and the virtual application service.  
(P[0077])

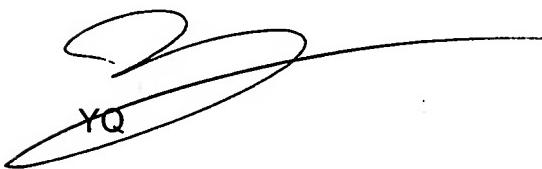
Regarding claims 9, 18, Okubo discloses the image forming apparatus as claimed in claim 8, wherein the virtual application service includes the obtaining part and the comparing part. (Fig. 1 , items 18, 19, Fig. 4)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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